

REMARKS

In response to the Final Office Action mailed July 27, 2005, Applicants respectfully request reconsideration. Claims 1-61 were previously pending in this application and claim 1 is amended herein. The application as presented is believed to be in condition for allowance.

Initially, Applicants thank Examiner Mirza and Examiner Cardone for the courtesies extended in granting and conducting a telephone interview on October 20, 2005. The substance of the interview is summarized herein.

During the telephone interview, Examiner Cardone questioned whether it was clear in claim 1 that the act of automatically configuring the second host computer is done in response to detecting the decrease in performance of the first host computer. While Applicants believe that it was, claim 1 has been amended to indicate that the act of automatically configuring the second host computer is performed in response to "detecting the decrease in performance of the first host computer." This amendment is believed not to impact the scope of claim 1 in any respect.

The Office Action rejects claims 1-61 under 35 U.S.C. §103(a) as purportedly being obvious over Staheli (5,537,533) in view of Miskowiec (5,915,095). Applicants continue to respectfully traverse this rejection for the reasons set forth in the prior response filed May 5, 2005, which is incorporated herein by reference.

During the telephone interview, Applicants pointed out that Staheli discloses manually bringing a remote replacement server online in case of failure of the primary server. Thus, the replacement server and the primary server are never online at the same time, as at most, one instance of the network operating system runs at any time, even though each server has a copy of the operating system. *See* Staheli, column 5, lines 39-40. Thus, Applicants pointed out that Staheli does not disclose detecting a decrease in performance "that results from the first host computer continuing to function but at a decrease performance level," as recited in claim 1, because the only decrease in performance disclosed in Staheli is a complete failure of the primary server.

Applicants also pointed out that neither Staheli nor Miskowiec discloses or suggests, "automatically configuring a second host computer to provide additional computational resources for the first host computer in response to the act of detecting," as previously recited in

claim 1. As discussed during the telephone interview, Miskowiec does not disclose the automatic configuration of a second host computer in response to detecting a decrease in performance of the first host computer, but rather, relates to balancing a plurality of processing requests among a set of previously configured servers.

Following the discussion, Examiners Mirza and Cardone agreed that the claims distinguish over Staheli in view of Miskowiec, and indicated that the rejection of claims 1-61 as purportedly being obvious over this combination would be withdrawn.

If outstanding issues remain, the Examiners are requested to contact the undersigned at the telephone number listed below.

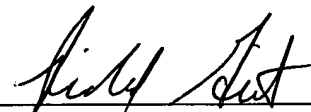
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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